

Simone

Attorney Docket: 070120-0279466
Client Reference: FEL0102-US-A



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of:
MARUMO ET AL.
Application No.: 09/849,347

Confirmation Number: 1114

Group Art Unit: 1746

Filed: May 7, 2001

Examiner: Frankie L. Stinson

Title: LIQUID TREATMENT EQUIPMENT LIQUID TREATMENT METHOD
SEMICONDUCTOR DEVICE MANUFACTURING METHOD AND
SEMICONDUCTOR DEVICE

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On July 31, 2003, Examiner Nicholas telephoned Mr. Dale S. Lazar formerly of our offices, with a telephonic restriction identifying Group I (claims 1-11, 16-20) and Group II (12-15). On August 6, 2003, Mr. Lazar telephoned Examiner Nicholas and elected to prosecute the claims of Group I (claims 1-11 and 16-20).

It appears that this application was subsequently transferred to Examiner Stinson. On March 24, 2004, Examiner Stinson issued a Restriction Requirement requiring the election between Group I, claims 1-12 directed to liquid treatment equipment and method and Group II, claims 13-20, directed to processes and equipment for manufacturing a semiconductor device. It appears that the Patent Office file history has no record of Mr. Lazar's telephonic election of the previous restriction by Examiner Nicholas. Therefore, in response to the Restriction Requirement, dated March 24, 2004, Applicant hereby elects to pursue the invention of Group I, directed to a liquid treatment/equipment method, encompassing claims 1-12. This election is made with traverse.

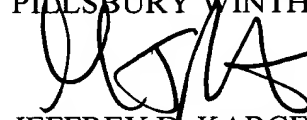
It is respectfully submitted that the subject matter of the Group II is sufficiently related that a thorough search and examination for any one group would necessarily encompass the search and examination of the remaining groups. MPEP §803 states "If the

search and examination of entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.” In addition, MPEP §803 states that there are two criteria for a proper requirement for restriction between patentable distinct inventions: (A) the inventions must be independent or distinct as claimed; and (B) there must be a serious burden on the examiner if restriction is required. It is respectfully submitted that the search and examination can be made without serious burden and that the criteria for a proper requirement set forth in MPEP §803 has not been met and that the requirement is improper and must be withdrawn.

It is also respectfully submitted that the Restriction Requirement should be withdrawn in order to avoid duplicative examination by the Patent Office and unnecessary expense to Applicant.

Respectfully submitted,

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